

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

ANDRE MAYFIELD, #128982	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	No. 1:08-cv-136
	)	<i>Mattice/Lee</i>
WARDEN HOWARD CARLTON;	)	
WARDEN JIM MORROW; CAPT.	)	
SIMMONS; SGT. STEVE MCGRAW;	)	
S. GREGG; I. GALLAGHER;	)	
C.O. JOSEPH BAKER; C.O. MICHAEL	)	
PODWYS; Each Party is Sued in Their	)	
Official and Individual Capacities;	)	
	)	
<i>Defendants.</i>	)	

**MEMORANDUM**

Andre Mayfield ("Mayfield"), a *pro se* prisoner, housed in the segregation unit at Southeast Tennessee State Regional Correctional Facility ("STSRCF") in Pikeville, Tennessee, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Court Doc. 3). On November 5, 2008, the Court issued an order directing Mayfield to complete the service packet and return it to the Clerk's office within twenty days from the date of the Order (Court Doc. 4). Additionally, Mayfield was notified that non-compliance with the Court's order would result in the dismissal of his § 1983 complaint (Court Doc. 5).

There has been no response to the Court's Order. Accordingly, the Court finds Mayfield has failed to comply with its Order.

Rule 41(b) of the Federal Rules of Civil Procedure permits this Court to dismiss an action *sua sponte* for failure to prosecute or follow orders of the Court. This authority flows from the Court's inherent power to control its docket, prevent undue delays in the disposition of pending cases, and avoid congested court calendars. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962).

Therefore, this action will be **DISMISSED** for Mayfield's failure to prosecute and to comply with the Orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

A judgment will enter.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE